

# **EXHIBIT C**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

In re: § MDL Docket No. 4:03CV1507WRW  
§  
PREMPRO PRODUCTS LIABILITY § ALL CASES  
LITIGATION §  
§  
§

**ORDER Re: RETENTION OF EXPERTS**

Before the Court are Defendants' Submission Re Retention of Physician Experts (Doc. No. 774), Plaintiffs' Response to Defendant's Submission Re Retention of Physician Experts (Doc. No. 784), Plaintiffs' Objections to Defendants' Proposed Order Re: Retention of [Plaintiffs' Physicians as] Experts (Doc. No. 851), and Defendants' Memorandum in Support of Order Re Retention of Experts (Doc. No. 864). Oral arguments were heard at the at the September 16 and November 18, 2005 Status Conferences.

Based on the findings of fact and conclusions of law made at the status conferences, I hold that Defendants will not be prohibited from retaining a physician as an expert witness who is identified on a plaintiff's fact sheet. The following restrictions will apply:

1. Defendants and their attorneys will not communicate with the physician-expert about any of his patients who are involved in or are likely to become involved in this MDL.
2. Defendants and their attorneys cannot use a physician as an expert in a case where that physician's patient is a plaintiff in that particular case.
3. Defendants and their attorneys, before having any substantive communication with a prospective physician-expert, will provide the physician with this Order and will secure the physician's written acknowledgment that he/she has read the attached Memorandum to Physicians.

IT IS SO ORDERED this 7th day of December, 2005 (Pearl Harbor Day).

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT COURT

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**In re:** § **MDL Docket No. 4:03CV1507WRW**  
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**MEMORANDUM TO PHYSICIAN**

Defendants in this litigation are permitted to retain as expert witnesses physicians who may have treated one or more women who are Plaintiffs. Despite their service as experts, these physicians are still bound by the physician-patient privilege and are forbidden from communicating with Defendants, Defendants' employees and Defendants' attorneys about their patients who are Plaintiffs, absent another order from the Court. Defendants and their agents must identify which of a physician's patients are Plaintiffs before any substantive communications begin. If a physician, at any time, believes that a Defendant is attempting to communicate about a patient who is a Plaintiff, directly or indirectly, the physician should contact the patient or her attorney or the Court.

/s/ Wm. R. Wilson Jr.  
UNITED STATES DISTRICT COURT

I have read, understand and agree to be bound by the terms of this memorandum to physicians.

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Signature

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Print Name